

40.550 MODIFICATIONS AND VARIANCES

40.550.010 ROAD MODIFICATIONS

A. Criteria.

1. Modifications to the standards contained within Chapter 40.350 may be granted in accordance with the procedures set out herein when any one of the following conditions are met:
 - a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
 - b. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship.
 - c. An alternative design is proposed which will provide a plan equal to or superior to these standards.
 - d. Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created.
 - (1) Legislative Determination. Clark County has experienced historic growth at rates greater than four percent over the last twenty years. To address this issue, the legislature enacted the Growth Management Act which requires that urban growth areas be sized to accommodate growth and prevent urban sprawl by focusing development in underdeveloped portions of an urban area. The board therefore finds and concludes that right-of-way dedicated, frontage improvements and crossroads constructed in urban growth areas will be substantially completed within the twenty year period provided in RCW 36.70A.110 in the absence of geographic or development constraints.
 - (2) Crossroad and frontage construction and right-of-way dedication. Road modification applications shall include information indicating whether there are geographic or other factors which render connection/completion of the road unlikely.
2. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the comprehensive plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact. Self-imposed hardships shall not be used as a reason to grant a modification request.

B. Categories. For the purpose of processing, modification requests fall within the following two categories:

1. Administrative Modification. Administrative modification requests deal with the construction of facilities, rather than their general design, and are limited to the following when deviating from the standard specifications:
 - a. Surfacing materials for roads or pedestrian facilities;
 - b. Asphalt and/or base rock thickness less than required;
 - c. Pavement marking layout;
 - d. Exceeding the maximum street grade;
 - e. Type and/or location of signage;
 - f. Channelization;
 - g. Intersection interior angles and curb radii less than required;
 - h. Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested;
 - i. Access-related modifications onto collectors and state routes, provided, other substantive criteria such as sight distance and limited access points are met and, provided further, that access to a lesser classification of road is not available.
 - j. Field changes during construction; and
 - k. Similar revisions to the standards.

C. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from the standard specifications:

1. Reduced sight distances;
2. Vertical alignment;
3. Horizontal alignment;
4. Geometric design (length, width, bulb radius, etc.);

5. Design speed;
 6. Crossroads;
 7. Access policy;
 8. A proposed alternative design which will provide a plan superior to these standards; and
 9. All other standards.
- D. Procedures. A modification request shall be classified as administrative or design by the County Engineer.
1. Administrative Modification. Administrative modifications may be requested at any time by filing a written application with the County Engineer. The application shall include sufficient technical analysis to enable a reasoned decision. The County Engineer shall provide a written decision on the application. No fee is applicable to the administrative modification.
 2. Design Modification. Design modifications shall be proposed in conjunction with the application for the underlying development proposal in accordance with Chapter 40.500. The design modification application, to be filed with the responsible official, shall:
 - a. Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable;
 - b. Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments;
 - c. In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard;
 - d. Design modification requests shall be processed in conjunction with the underlying development proposal; provided, that where the modification request is filed subsequent to the decision on the development proposal, such request shall be processed in accordance with the post-decision review procedures of Section 40.520.060, and subject to the fees listed in CCC Title 6.
- E. Infill Road Modifications. In order to encourage and facilitate infill development, the following road standards may be considered for administrative road modification for residential infill developments pursuant to Section 40.260.110.
1. Partial or full frontage improvements, if consistent with existing or anticipated improvements along neighborhood roadways within eight hundred (800) feet of the boundaries of an infill development site. For purposes of this subsection, neighborhood roadways shall mean non-arterial and non-collector roadways ~~providing access to, and located within, 800 feet of the infill development;~~ and/or
 2. Access spacing, if there is no identifiable safety hazard.
- F. Road Modification for County Projects. County public road improvements, when varying from the standards of this chapter, are required to meet the road modification procedures for changes in design; provided that a county project may include less than the full planned improvement or allow for staged construction. The submission of construction plan should be considered as development application.

(Exh. A of Ord. 1999-05-20)